

REQUEST FOR PROPOSALS

FEDERAL ECONOMIC RECOVERY PROGRAM AMERICAN REINVESTMENT AND RECOVERY ACT PROGRAM SUPPORT SERVICES



RFP #150-09-101
www.energy.state.ca.gov/contracts
State of California
California Energy Commission
November, 2010

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- 2 Darfur Contracting Act
- 3.1 Certified Small/micro Business, Non-small Business and DVBE Certification Instructions (informational only, not required in proposal)
- 3.2 Disabled Veteran Business Enterprise Program Requirements
- 3.3 DVBE Std 843
- 3.4 Bidder Declaration form GSPD-05-105
- 4 Contractor Certification Clauses
- 5 Client References
- 6 Sample Standard Agreement (informational only, not required in proposal)
- 7 Target Area Contract Preference Act (TACPA) Request Std 830
- 8 Enterprise Zone Act (EZA) Preference Request Std 831
- 9 Local Agency Military Base Recovery Area (LAMBRA) Preference Request Std 832
- 10 Executive Summary
- 11 NEPA Compliance Certification Form
- 12 ARRA DBA Prevailing Wage Questions and Answers (informational only, not required in proposal)
- 13 State Law Prevailing Wage Compliance Questions and Answers (informational only, not required in proposal)
- 14 ARRA Auditing Consideration (informational only, not required in proposal)
- 15 ARRA Solicitation Financial Management Information Form
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I. Introduction

BACKGROUND

The American Recovery and Reinvestment Act of 2009 (ARRA) was enacted to stimulate the economy and create and retain jobs. ARRA gives preference to activities that can be started and completed expeditiously and that create jobs.

The California Energy Commission (Energy Commission) has been allocated over \$300 million for energy efficiency and renewable energy programs in ARRA energy funds. Currently, the Energy Commission's four main areas of responsibility are the State Energy Program (\$226 million); the Energy Efficiency and Conservation Block Grant Program (\$49.6 million); the State Energy Efficient Appliance Rebate Program (\$35.2 million), and the Enhanced Energy Assurance and Smart Grid Program (\$3.5 million). In addition, there is an estimated \$36 billion available nationwide that the U.S. Department of Energy (DOE) will administer directly through competitive grants and other financing mechanisms for energy- and climate change-related programs.

To successfully administer the ARRA program, the Energy Commission must develop and implement a comprehensive administrative structure that allows for transparency and accountability; protects against waste fraud and abuse; and, insures that there is sufficient fiscal and technical project oversight for recipients receiving ARRA energy funds. In addition to this contract, two additional contracts will be issued: (1) to assist in project management and provide energy technical assistance and (2) to perform independent energy metric measurement and verification for the Energy Commission's ARRA funded projects.

PURPOSE OF RFP

The purpose of this RFP is to select a contractor to assist the Energy Commission in the management, oversight, and implementation of the American Recovery and Reinvestment Act of 2009. The Energy Commission is seeking the services of a management consulting and audit services firm to assist the Energy Commission in the proper stewardship surrounding the administration, reporting, accounting and transparency of the ARRA funds received from the federal government. In addition the Energy Commission is seeking a contractor that will provide services that: identify and implement technical and non-technical options for fraud waste and abuse prevention and detection; evaluate the Energy Commission's existing internal and external financial controls including its contract, grant and loan processes for the implementation of funding awards; assist with overall program support by providing management and auditing, training, technical assistance, reporting and communication services.

To successfully administer ARRA funds, the Energy Commission must determine that its internal processes, procedures and controls are adequately developed and fully implemented to allow for transparency and accountability throughout the entire program and implementation process. To address reporting requirements of the Department of Energy (DOE), Office of Budget and Management (OMB) and the Governor's Recovery Task Force, the Energy Commission is developing and implementing a reporting and tracking system that meets state and federal requirements.

I. Introduction, Continued

Given the responsibilities of implementing the Federal Stimulus Package, the Energy Commission seeks support from the contractor in performing a comprehensive program assessment and evaluation to determine that the ARRA program risk considerations are adequately addressed, and to develop an implementation plan to address any deficiencies identified in the evaluation will be an important part of this contract. Contractor assistance also is needed to identify processes and procedures for addressing fraud, waste and abuse, as well as prevention/detection of fraud, waste and abuse for ARRA-funded recipients. Of equal importance is for the contractor to evaluate and implement processes and procedures to ensure that all reports are accurate and auditable through the sub recipients and vendor levels. The Energy Commission also seeks assistance in evaluating existing contracting and fiscal processes; conducting financial and programmatic audits; implementing transparency/accountability procedures for stakeholders and potential ARRA fund recipients; ensuring transparency in the public communication of the ARRA reporting and tracking requirements; and promoting the program and communicating its successes.

The contract resulting from this solicitation will give the Energy Commission the foundation for an enterprise wide assessment of all its current contract, grants and loan programs including the contracts, grants and loans resulting from the receipt of ARRA funding as well as potential future federal funding. Assistance in the implementation measures identified in the diagnostic assessment will be a critical component of the contractor's deliverable.

KEY ACTIVITIES AND DATES

Key activities and times for RFP are presented below. This is a tentative schedule; please call the Contracts Office to confirm dates.

ACTIVITY	ACTION DATE
RFP Release	November 24, 2009
Deadline for Written Questions	December 4, 2009
Pre-Bid Conference	December 4, 2009
Distribute Questions/Answers and Addenda (if any) to RFP	December 14 <u>18</u> , 2009
Deadline to Submit Proposals by 3:00 p.m.	January 5 <u>12</u> , 2010
Clarification Interviews (If necessary)	January 11 — 15 <u>18-22</u> , 2010
Notice of Proposed Award	January 22 <u>29</u> , 2010
Commission Business Meeting	February <u>March</u> , 2010
Contract Start Date	March <u>April</u> , 2010
Contract Termination Date	June, 2012

AVAILABLE FUNDING

There is \$5 million available for the contract resulting from this RFP. The contract award will be made to the responsible Bidder with the highest combined score (which includes a technical evaluation, evaluation of cost, and the application of preference points) among qualifying proposals. This is an hourly rate plus cost reimbursement contract with a ceiling on the total amount. Bidders shall allocate \$5 Million as follows: Task 1: \$750,000; Task 2: \$3,000,000; Task 3 \$750,000; and Task 4: \$500,000.

FUNDING LIMITATIONS

Pursuant to the federal ARRA guidelines, ARRA SEP funding may not be used to fund projects for gambling establishments, aquariums, zoos, golf courses or swimming pools. No more than 20 percent of each award shall be used to purchase office supplies, library materials, or other equipment whose purchase is not otherwise prohibited. In addition, ARRA SEP funding may not be used:

1. For construction, such as construction of mass transit systems and exclusive bus lanes, or for construction or repair of buildings or structures;
2. To purchase land, a building or structure or any interest therein;

I. Introduction, Continued

3. To subsidize fares for public transportation;
4. To subsidize utility rate demonstrations or State tax credits for energy conservation measures or renewable energy measures; or
5. To conduct, or purchase equipment to conduct, research, development or demonstration of energy efficiency or renewable energy techniques and technologies not commercially available.

ELIGIBLE BIDDERS

This is an open RFP. All organizations are encouraged to respond.

PRE-BID CONFERENCE

There will be one Pre-Bid Conference; participation in this meeting is optional but encouraged. The Pre-Bid Conference will be held at the date, time and location listed below. Please call (916) 654-4392 or refer to the Energy Commission's website at www.energy.ca.gov to confirm the date and time.

December 4, 2009
10:00 am
California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814
Telephone: (916) 654-4392

PARTICIPATION THROUGH WEBEX, THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

Computer Logon With A Direct Phone Number:

- * Please go to <https://energy.webex.com> and enter the unique meeting number 367 408 103
- * When prompted, enter your information and the following meeting password arra123!
- * After you login, a prompt will appear on-screen for you to provide your phone number. In the Number box, type your area code and phone number and click OK to receive a call back on your phone for the audio of the meeting. International callers can use the "Country/Region" button to help make their connection.

Computer Logon For Callers With An Extension Phone Number, Etc.:

- * Please go to <https://energy.webex.com> and enter the unique meeting number 367 408 103
- * When prompted, enter your information and the following meeting password arra123!
- * After you login, a prompt will ask for your phone number. CLICK CANCEL.
- * Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login. International callers can dial in using the "Show all global call-in numbers" link (also in the top left area).

Telephone Only (No Computer Access):

- * Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the unique meeting number above. International callers can select their number from <https://energy.webex.com/energy/globalcallin.php>

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html>. Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

I. Introduction, Continued

QUESTIONS

During the RFP process, questions of clarification about this RFP must be directed to the Contracts Officer listed in the following section. You may ask questions at the Pre-Bid Conference, and you may submit written questions in writing via mail, electronic mail, FAX, and by phone. However, all questions must be received by 5:00 pm on the day of the Pre-Bid Conference. After the Pre-Bid Conference, question and answer sets will be mailed to all parties who requested a copy of this RFP from the Commission Contracts Office and all that attended the Pre-Bid conference. The questions and answers will also be posted on the Commission's website at:

<http://www.energy.ca.gov/contracts/index.html>.

Any verbal communication with a Commission employee concerning this RFP is not binding on the State and shall in no way alter a specification, term, or condition of the RFP.

CONTACT INFORMATION

Rachel L. Grant, Contracts Officer
California Energy Commission
1516 Ninth Street, MS-18
Sacramento, California 95814
Telephone: (916) 654-4379
FAX: (916) 654-4423
E-mail: rgrant@energy.state.ca.us

FEDERAL AND STATE LAWS, REGULATIONS, AND GUIDELINES

Projects funded by ARRA must comply with various federal and state requirements. Bidders must review the Energy Commission's Terms and Conditions for information regarding these requirements.

As specified in the Terms and Conditions attached to this RFP, the Contractor selected through this solicitation shall be deemed a "vendor" pursuant to federal law and Office of Management and Budget guidelines. Although Bidders will be required to adhere to all contract terms and conditions, the following specific provisions may have potentially significant project impacts:

Federal

National Environmental Policy Act (NEPA): Bidders selected for funding are restricted from taking any action using federal funds for projects under the contract that would have an adverse effect on the environment or limit the choice of reasonable alternatives prior to DOE providing a final NEPA determination regarding these projects.

If the successful Bidder moves forward with activities that are not authorized for federal funding by the DOE Contracting Officer in advance of the final NEPA determination, it is doing so at risk of not receiving federal funding, and such costs may not be recognized as allowable cost share.

The **NEPA Compliance Form** (Attachment 11), contains additional information about NEPA. Bidders selected for funding must complete this form prior to the Energy Commission's approval of an agreement.

Davis-Bacon Act (Federal prevailing wage law): In accordance with ARRA Section 1606, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to ARRA must be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the United States Secretary of Labor in accordance with Subchapter IV of Chapter 31 of Title 40, United States Code (Davis-Bacon Act).

For additional information on Davis-Bacon Act requirements, please see the **Davis-Bacon Act Questions and Answers** (Attachment 12).

I. Introduction, Continued

Single Audit Act: States, local governments, and nonprofit organizations must be in compliance with requirements of the Single Audit Act. The Single Audit Act and Office of Management and Budget (OMB) Circular A-133, *Audits of State, Local Governmental, and Non-profit Organizations*, require entities that expend equal to or in excess of \$500,000 in a fiscal year to have an audit performed in accordance with the Act.

For additional information on Single Audit Act requirements, please see the **Single Audit Act Compliance Form** (Attachment 19). Bidders selected for funding must verify compliance with the Single Audit Act, if applicable, prior to the Energy Commission's approval of an agreement.

Buy American Act: In accordance with ARRA Section 1605, ARRA funds may not be used for a project for the construction, alteration, maintenance, or repair of a public building or public work unless all of the iron, steel and manufactured goods used in the project are produced in the United States in a manner consistent with United States obligations under international agreements. This requirement may only be waived by the applicable federal agency in limited situations, as specified in ARRA Section 1605.

State

California Environmental Quality Act: Projects selected for funding may meet the definition of a "project" for purposes of the California Environmental Quality Act (CEQA). (See Public Resources Code section 21000 et seq.) If this occurs, the Energy Commission's Legal staff will review the projects to determine whether an exemption applies that would prevent further actions under CEQA. If no exemption applies, certain CEQA requirements (such as preparation of an initial study, a negative declaration, or an environmental impact report) must be met prior to the Energy Commission approving the contract. The Applicant will pay the cost for these activities. The cost of CEQA review is not reimbursable under the contract. Please refer to Title 20, California Code of Regulations, Chapter 6, Article 1, including section 2308.

The **CEQA Compliance Form** (Attachment 16), contains additional information about CEQA. Bidders selected for funding must complete this form prior to the Energy Commission's approval of an agreement.

California Prevailing Wage Law: The California Department of Industrial Relations (DIR) has jurisdiction to decide whether a particular project is or is not a public work. If the project involves construction, alteration, demolition, installation, repair or maintenance work, it probably would be considered by DIR to be a public work. Any agreement resulting from this solicitation will include the requirements for a public works project, such as paying prevailing wage, keeping payroll records, complying with working hour requirements, and apprenticeship obligations.

For information about state prevailing wage requirements, see the **California Prevailing Wage Questions and Answers Form** (Attachment 13).

Additional Laws, Regulations, and Guidelines

In addition to the provisions above, Bidders should be familiar with the following Federal and State laws, regulations, and guidelines that apply to the SEP:

Federal

The American Recovery and Reinvestment Act of 2009

<http://www.energy.ca.gov/recovery/documents/HR1.pdf>

Department of Energy State Energy Program Funding Opportunity Announcement DE-FOA-0000052

<https://www.fedconnect.net/FedConnect>

Title 10 Code of Federal Regulations (CFR) Part 420: State Energy Program

<http://www.gpoaccess.gov/cfr/index.html>

I. Introduction, Continued

Office of Management and Budget reporting requirements

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-suppl.pdf

http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21-suppl2.pdf

Council of Economic Advisers' Estimates of Job Creation from the American Recovery and Reinvestment Act of 2009, May 2009

http://www.whitehouse.gov/assets/documents/Estimate_of_Job_Creation.pdf

State

California Energy Commission State Energy Program Guidelines

<http://www.energy.ca.gov/2009publications/CEC-150-2009-004/CEC-150-2009-004-CTD.PDF>

REGISTRATION REQUIREMENTS

All applicants must be registered and in good standing in accordance with the requirements below:

Dun and Bradstreet Data Universal Number System (DUNS) (required for subrecipient solicitations only): Prior to beginning work, Applicants must obtain a DUNS number or, if necessary, update their organization's information. A DUNS number is a unique identifier used by the federal government to track distribution of federal funds. To obtain a DUNS number or to update information, please visit http://www.dnb.com/US/duns_update or contact the D&B Government Customer Response Center at 1-866-705-5711. ***Note: Obtaining a DUNS number is optional for vendor contracts, pursuant to OMB Guidance M-09-21. The applicant may elect to provide it if it is available.***

Central Contractor Registry (CCR) (required for subrecipient solicitations only): All Bidders must maintain current registration in the CCR at all times during which they have an active award funded with ARRA funds. The CCR database is the federal government's primary registrant database. It collects, validates, stores and disseminates data in support of federal grants, cooperative agreements, and other forms of assistance. To register, please visit CCR's website at <http://www.ccr.gov>. For assistance, contact the Federal Service Desk at 1-866-606-8220. Registrants must update or renew their registration at least once per year to maintain an active status.

A DUNS Number is one of the requirements for registration in the CCR. ***Note: Maintaining registrations in the CCR is optional for vendor contracts, pursuant to OMB Guidance M-09-21. The applicant may elect to maintain such registration.***

California Secretary of State's Office: California business entities as well as non-California business entities conducting intrastate business in California are required to register and be in good standing with the California Secretary of State to enter into an agreement with the Energy Commission. If not currently registered with the California Secretary of State, Bidders are encouraged to contact the Secretary of State's Office as soon as possible to avoid potential delays in beginning the proposed project (should the application be successful). For more information, contact the Secretary of State's Office via its website at www.sos.ca.gov.

Bidders responding to this RFP may want to familiarize themselves with information on the following ARRA related web sites:

State of California Recovery Website

(www.ca.gov/recovery)

California Energy Commission Recovery Website

(www.energy.ca.gov/recovery)

Federal Government Recovery Website

(www.recovery.gov)

U.S. Dept. of Energy

(www.energy.gov/recovery/)

I. Introduction, Continued

U.S. Dept. of Justice

(PDF file - Guide to Grant Oversight and Best Practices for Combating Grant Fraud)

U.S. Dept. of Labor

(www.dol.gov/recovery/)

U.S. Office of Management & Budget

(PDF file - Federal guidelines on transparency and accountability)

RESPONSES TO THIS RFP

Responses to this solicitation shall be in the form of a Technical and Cost proposal according to the format described in this RFP. The Technical Proposal shall document the Bidder's approach, experience, qualifications, and project organization to perform the tasks described in the Scope of Work, and the Cost Proposal shall detail the Bidder's budget to perform such tasks.

KEY WORDS AND DEFINITIONS

Important definitions for this RFP are presented below:

Word/Term	Definition
ARRA	The American Recovery and Reinvestment Act of 2009.
Bidder	A respondent to this RFP
CCM	Commission Contract Manager
CSD	California Department of Community Services and Development, which administers the federal Weatherization Assistance Program in California.
DGS	California Department of General Services
DOE	U.S. Department of Energy, which has responsibility for overseeing ARRA funding (including SEP) aimed at creating jobs by improving energy efficiency
DVBE	Disabled Veteran Business Enterprise
Economically Disadvantaged Area	Area where the unemployment rate exceeds the California statewide average unemployment rate for June 2009. Other characteristics, such as higher than average foreclosure rate and lower than average income levels, may also be considered in identifying economically disadvantaged areas.
Energy Commission	California Energy Commission
Equipment	Products, objects, machinery, apparatus, implements or tools that have a useful life of at least one year, have an acquisition unit cost of at least \$5,000, and are purchased with ARRA SEP funds.
Proposal	Formal written response to this RFP from Bidder
RFP	This entire document which is a Request for Proposals
SEP	State Energy Program
Solicitation	The competitive method used to solicit proposals for funding under this Request for Proposals.
State	State of California

II. Scope of Work and Deliverables

ABOUT THIS SECTION

This section describes the contract scope of work, deliverables and due dates under the direction of the Energy Commission Contract Manager (CCM).

BACKGROUND

In implementing the American Reinvestment and Recovery Act of 2009 (ARRA), the State of California and the California Energy Commission must be responsive to the tremendous opportunities for our state, as well as, the inherent risks associated with the potential fraud, waste, abuse and misuse of funds. There are four ARRA funded programs totaling \$314,300,000 for which the Energy Commission is responsible: the Energy Efficiency Conservation Block Grant Program (EECBG) for \$49.6 million; the State Energy Program (SEP) for \$226 million, the State Energy Efficient Appliance Rebate Program for \$35.2 million, and the Enhanced Energy Assurance and Smart Grid Program for \$3.5 million. Funding awards in the various program areas will be through grants, loans and competitively bid solicitations resulting in contracts with subrecipients.

Each of the programs has their own specific time critical deadlines. The Department of Energy (DOE) awarded the EECBG funds on September 15, 2009, and the Energy Commission has 180 day to approve and award the EECBG program funds to the local jurisdictions for energy efficiency projects and products or lose the funds. The EECBG applications from the small cities and counties are due to the Energy Commission for evaluation with approval in January 2010. The SEP competitive solicitation for \$95 million for energy efficiency retrofit programs was released in October 2009; proposals are due in December 2009; and will be evaluated with awards made in January 2010. The State Energy Efficient Appliance Rebate Program will be implemented in March/April 2010. The Energy Commission anticipates that the Enhanced Energy Assurance and Smart Grid Program will be implemented in the early part of 2010. The Energy Commission anticipates that over 300 awards will be issued to the local jurisdictions and other public and private entities throughout the state.

Early development of performance measures and means to monitor progress towards program mandates and goals is essential, in both the program as a whole and the selection and evaluation of individual projects. Monitoring and evaluating performance encompasses a wide range of activities, including definition of performance measures and targets, identification of appropriate metrics, regular monitoring and review of program performance data, and evaluation of overall performance of the program.

In assuring the transparent and accurate accounting of ARRA fund expenditures for the four program areas for which federal stimulus funds were received, the Energy Commission must accomplish and seeks assistance in the following areas: identifying strategies to mitigate fraud, waste and abuse; ensuring that there are adequate information technology and contracting systems in place at the prime and subrecipient levels; evaluating risk oversight and ensuring that internal and external management processes align with the ARRA mandates of accountability and transparency; risk and financial analysis of potential ARRA funding recipients; ensuring accurate and timely accounting of project results including job creation; contract management assistance and training at the prime and subrecipient levels to ensure accurate and timely reporting compliance; recipient performance monitoring; and, financial and programmatic auditing to ensure accurate reporting. These measurements will need to be consistent and accountable in both the first level funding awards from the Energy Commission to the contractor or grantee, as well as follow through to any and all ARRA funded recipients who contract with vendors to provide services and products.

II. Scope of Work and Deliverables, Continued

GOALS AND OBJECTIVES

The Energy Commission seeks services that include but are not limited to:

- Management consulting
- Risk and Financial Audit services
- Identification and implementation of technical and non-technical options for fraud prevention/detection,
- Evaluation of the Energy Commission's existing internal and external financial controls of its contract, grant, and loan processes
- Database systems expertise
- Training for Energy Commission staff as well as ARRA fund recipients on ARRA appropriate financial and audit processes and procedures
- Reporting and communication services
- Rapid response to inquiries related to use of ARRA funds and potential fraud waste and abuse concerns from federal and state entities
- Financial analysis of potential ARRA fund project recipients
- Providing written and verbal testimony and documentation on the Energy Commission's fraud, waste and abuse processes and procedures

The Contractor shall assist the Energy Commission in developing processes and procedures, relevant performance measures, and tools for auditing ARRA-funded projects. The new processes and measures must align with the changing Federal and State requirements, as well as the transparency and accountability requirements set forth by the Federal Stimulus Package, the Federal Office of Management and Budget (OMB), the Department of Energy (DOE), the Governor's Recovery Team and other entities. The new processes, measures, and tools shall also leverage the Energy Commission's existing technology platforms and current contracting processes, and enable the development of reporting features that could be incorporated into the Energy Commission's recovery web pages. (See www.energy.ca.gov/recovery)

Ease of use by the ARRA subrecipients and easy transferability to meet the requirements of the Energy Commission, the Office of the Chief Information Officer (OCIO) and the OMB are essential. ARRA award recipients may have varying levels of process and technical training. It is not the Energy Commission's intent to burden the award recipients with cumbersome reporting requirements or require that the recipients have advanced technical skills, however it is the Energy Commission's intent to protect against fraud, waste and abuse and to ensure transparency and accountability for all ARRA funds administered by the Energy Commission.

Because Federal and State agencies require an independent review, verification, measurement, and evaluation of all ARRA funding awards, the Energy Commission is looking to take a total systems approach in collecting and managing key foundational data to enable us to prepare the monthly and quarterly reports as well as to conduct impact financial evaluations and perform audit reports. Since the Energy Commission wishes to leverage its existing technologies and platforms, recommended actions should result in processes, measures, and tools that are compatible with and enhance the Energy Commission's current contract and project management systems.

The contractor will conduct an organizational readiness and diagnostic assessment prior to developing procedures and identifying roles/responsibilities for implementing measures to protect against fraud, waste and abuse and to ensure transparency and accountability for Energy Commission administered ARRA funded programs.

II. Scope of Work and Deliverables, Continued

The contractor shall provide documentation, training materials and training on the new policies, procedures, processes, measures, and tools. The contractor shall identify and ensure that appropriate contract management practices and oversight are in place to rapidly and effectively deploy the four ARRA funded programs for which the Energy Commission is responsible: the Energy Efficiency Conservation Block Grant Program (EECBG) (\$49.6 million); the State Energy Program (\$226 million), the State Energy Efficient Appliance Rebate Program (\$35.2 million), and the Enhanced Energy Assurance and Smart Grid Program (\$3.5 million).

Scope of Work and Deliverables

Include the following required tasks and deliverables in the Scope of Work for the proposed program. The bidder shall plan for the completion of these required tasks in the proposed program budget and schedule. Describe how the subcontractors and program partners will be involved in each task. Clearly demonstrate how each aspect of the program design is integrated into the list of deliverables.

TASK 1:

Identification of ARRA Program Considerations and Development of Management Strategy to Address Risk

The Contractor shall:

- Meet with the CCM to confirm the level of services, resources, and the responsibility of all team members in developing the task deliverables and prepare Task Meeting Notes.
- Conduct an organizational readiness and diagnostic assessment of the current conditions of the Energy Commission's internal controls and procedures to ensure that they meet all ARRA requirements, state and federal laws as well as best practices. The assessment should evaluate the organizational readiness of the Energy Commission in the following seven areas, but not limited to: reporting; resource capacity and project management; financial; program solicitation, information technology, and systems adequacy.

Deliverables:

Task Meeting Notes

Draft assessment of organizational readiness that includes an implementation plan

Final assessment of organizational readiness that includes an implementation plan

TASK 2:

Implementation of ARRA Fund Fraud, Waste and Abuse Prevention and Detection Practices

The Contractor shall:

- Meet with the CCM to confirm the level of services, resources, and the responsibility of all team members in developing the task deliverables and prepare Task Meeting Notes.
- Implement recommendations identified in Task 1, Organizational Readiness and Diagnostic Assessment in the areas of (but not limited to) reporting; resource capacity and project management; financial; program solicitation, information technology, and systems adequacy, as approved by the Energy Commission Contract Manager (CCM).
- Develop and implement project control standards, management reporting and performance indicators to facilitate the evaluation of programs and projects to measure job creation and economic activity and to conduct gap analysis and recommend process improvements as approved by the Energy Commission Contract Manager (CCM)..
- Assist the Energy Commission in implementing processes, measures and tools to minimize the risk associated with distribution of all federal and state funds administered by the Energy Commission.
- Develop a project risk ranking system and perform risk analyses on selected projects.

II. Scope of Work and Deliverables, Continued

- Develop an audit guide and audit plan and conduct audits of selected projects to assess financial controls and appropriate use of ARRA funds.
- Develop an audit resolution process to resolve audit issues and findings.

Deliverables:

Task Meeting Notes

Draft report documenting the implementation of recommendations

Final report documenting the implementation of recommendations

Draft Project Control Standards

Final Project Control Standards

Draft report documenting the implementation of processes, measures and tools to minimize the risk

Final report documenting the implementation of processes, measures and tools to minimize the risk

Draft report documenting the project risk ranking system

Final report documenting the project risk ranking system

Draft report documenting the audit plan and audit guide for conducting fraud, waste and abuse audits of ARRA funded projects

Final report documenting the audit plan and audit guide for conducting fraud, waste and abuse audits of ARRA funded projects

Draft report documenting process for resolving audit findings

Final report documenting process for resolving audit findings

Draft report documenting audit findings and audit finding resolution

Final report documenting audit findings and audit finding resolution

Final report documenting the implementation of processes, measures and tools to minimize the risk

TASK 3:

Program Support for Internal and External Communications

Transparency and accountability are key elements of the Stimulus Package. To achieve these important elements and activities, the Contractor will work with and train the ARRA subrecipients to develop and implement consistent ARRA communications for federal, state and external stakeholders.

The Contractor shall:

- Meet with the CCM to confirm the level of services, resources, and the responsibility of all team members in developing the task deliverables and prepare Task Meeting Notes.
- Identify key elements, develop and implement a communication plan for ARRA activities by working closely with the Energy Commission's ARRA team
- Develop program reports as requested by the Energy Commission Contract Manager (CCM) to respond to internal and external stakeholder requests and document and finalize meeting minutes from stakeholder meetings

Deliverables:

Task Meeting Notes

Draft communication plan and program reports

Final communications plan and program reports

II. Scope of Work and Deliverables, Continued

TASK 4:

Contract Management

A. Kickoff Meeting

The goal of this task is to establish the lines of communication and procedures for implementing this Agreement.

The Contractor shall:

- Attend a “kick-off” meeting with the Commission Contract Manager, the Contracts Officer, and a representative of the Accounting Office. The Contractor shall bring their Project Manager, Contracts Administrator, Accounting Officer, and others designated by the Commission Contract Manager to this meeting. The administrative and technical aspects of the Agreement will be discussed at the meeting. Prior to the kick-off meeting, the Commission Contract Manager will provide an agenda to all potential meeting participants.

The administrative portion of the meeting shall include, but not be limited to, the following:

- Terms and conditions of the Agreement

The technical portion of the meeting shall include, but not be limited to, the following:

- The Commission Contract Manager’s expectations for accomplishing tasks described in the Scope of Work;
- An updated Schedule of Deliverables
- Processes for submitting, reviewing and approving Progress Reports, Task Deliverables and Final Report

The Commission Contract Manager shall designate the date and location of this meeting.

B. Invoices

The Contractor shall prepare an invoice for all contract expenses performed at each stage of the proposed program. The official invoice is to be submitted to the Energy Commission’s Accounting Office.

The Contractor shall prepare an invoice for all contract expenses performed. The official invoice is to be submitted to the Energy Commission’s Accounting Office.

C. Subcontractors

In the event subcontractors, or “subvendors,” are part of the contractor’s proposal, the contractor shall manage and coordinate subcontractor activities. The Contractor is responsible for the quality of all subcontractor work. If new subcontractors are added, the contractor shall notify the CCM who will follow the Energy Commission’s process for adding or replacing subcontractors.

D. Monthly Progress Reports

The goal of this task is to periodically verify that satisfactory and continued progress is made towards achieving the objectives of the project.

The Contractor shall:

- Prepare progress reports that summarize all contract activities conducted by the Contractor for the reporting period, including an assessment of the ability to complete the contract within the current budget and any anticipated cost overruns. Progress reports shall be submitted with the invoice for that reporting period.
- Submit electronic data to ARRA tracking and reporting entities (e.g. the Energy Commission, OMB, and DOE).

Deliverables:

- Monthly Progress Reports

II. Scope of Work and Deliverables, Continued

- Monthly submittal of electronic data to ARRA tracking and reporting entities

E. Final Report

The goal of this task is to prepare a comprehensive written Final Report that describes the original purpose, approach, results and conclusions of the work done under this contract. The CCM will review and approve the Final Report. The Final Report must be completed on or before the end date of the contract.

The Final Report shall be a public document.

Deliverables:

- Draft Final Report
- Final Report

F. Requirements for written deliverables

The Contractor shall prepare and deliver to the Energy Commission Contract Manager (CCM) a draft of each written deliverable identified in the "Deliverables" section, after each task description by the date specified. The CCM shall review each draft, and may recommend changes to the Contractor's deliverable. The Contractor shall review and discuss any recommended changes to each draft with the CCM, and shall submit a final version of the deliverable incorporating any agreed-upon changes by the date specified in the "Deliverables" section.

Each written deliverable submitted to the CCM shall be prepared in a manner consistent with the Energy Commission style guides and document production protocols, which the CCM shall provide to the Contractor. Each written deliverable shall be delivered to the CCM as an electronic Microsoft Word file (.doc) or editable Adobe Acrobat file (PDF). Additionally, Contractor shall deliver to the CCM a hardcopy of the final version of each written deliverable, printed on 8 ½" by 11" paper, as a camera-ready master in black ink, readable if printed in black and white.

The manner of presentation of any written deliverable may be modified with prior written approval by the CCM.

III. Evaluation Process and Criteria

ABOUT THIS SECTION

This section explains how the proposals will be evaluated. It describes the evaluation stages, preference points, and scoring of all proposals. A Bidder's proposal will be evaluated and scored based on its response to the information requested in this RFP.

During the evaluation and selection process, the Commission may interview a Bidder either by telephone or in person at the Energy Commission for the purpose of clarification and verification of information provided in the proposal. However, these interviews may not be used to add or change to the contents of the original proposal.

PROPOSAL EVALUATION

To review all proposals, the Energy Commission will organize an Evaluation Committee. The identity of the evaluators will be kept confidential during the selection process. The Energy Commission reserves the right to solicit technical input from other internal and external sources. This technical input will be utilized by the Evaluation Committee during the evaluation of the proposals. The proposals will be reviewed in two stages:

Stage One: Fulfillment of RFP Mandatory Format

After the period has closed for receipt of proposals, each proposal received prior to the time and date set for receipt of proposals is opened and examined to determine compliance with the RFP format requirements and grounds for rejection. If a proposal is not rejected for reasons stated in Grounds for Rejection, it may still be rejected if it does not meet the proposal format requirements or minimum administrative requirements.

Bidders who do not comply with the DVBE requirements will be rejected and proposals will not be evaluated in Stage Two.

Stage Two: Evaluation of Proposals

Proposals passing Stage One will be submitted to the Evaluation Committee to score proposals based on the Evaluation Criteria in this Section.

A bidder's proposal will be screened and scored based on its response to the information requested in this RFP. The Evaluation Committee, at its sole discretion, may interview a Bidder either by telephone or in person at the Energy Commission, and/or conduct a site visit at the Bidder's facilities for the purpose of clarification and verification of information provided in the Proposal. However, these interviews may not be used to change or add to the contents of the original proposal.

Proposals not attaining a score of 70 percent of the total possible Technical and Cost Evaluation points (700 of 1000 possible points) will be eliminated from further competition.

Ranking and Awards

Rankings for this RFP will be developed based on the Stage Two scores of all eligible proposals.

Those proposals that pass the Technical and Cost Evaluation minimum will then have all applicable preferences applied. The contract will be awarded to the responsible Bidder with the highest combined score, after Technical and Cost Evaluation and preference points.

Notice of Proposed Award

Subsequent to the Proposal evaluations, the Commission will post a "Notice of Proposed Award" at the Commission's headquarters in Sacramento, and on the Commission's Web Site.

III. Evaluation Process and Criteria, Continued

Scoring Scale

The Evaluation Committee will give a score from zero (0) to ten (10) for each criterion described below. The point calculations reflect the averages of the combined scores of all Evaluation Committee members.

Point Scale

0 Points	<ul style="list-style-type: none"> ✓ Is not in substantial accord with the RFP requirements. ✓ Has a potential significant effect on the amount paid or net cost to the State or the quality or quantity of product and/or service. ✓ Provides an advantage to one competitor over the other competitors, for example, not paying minimum wages.
1-3 Points	<ul style="list-style-type: none"> ✓ The proposal states a requirement, but offers no explanation of how or what will be accomplished. ✓ The response contains a technical deficiency which is an inaccurate statement or reference concerning the how, what, where, or when, which is part of an overall statement or description.
4-6 Points	<ul style="list-style-type: none"> ✓ Satisfies the minimum requirements and describes generally how and/or what will be accomplished.
7-9 Points	<ul style="list-style-type: none"> ✓ Satisfies the minimum requirements and specifically describes how and/or what will be accomplished in an <u>exemplary manner</u>, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).
10 Points	<ul style="list-style-type: none"> ✓ Exceeds the minimum requirements and specifically describes how and/or what will be accomplished both quantitatively and qualitatively, using sample products and illustrative materials (i.e., diagrams, charts, graphs, etc.).

MINIMUM QUALIFICATIONS

All minimum qualifications must be met and demonstrated in order for a proposal to be scored. Bidders not meeting or demonstrating compliance with each and every minimum qualification will be eliminated and will not have their proposal scored. For each of the qualifications listed below, bidders' must supply written documentation to demonstrate meeting the qualification. Include, as appropriate, supporting documents, program information, client names, dates and current contact information. Consistent with federal law and guidelines, in this section, the "Contractor" shall be deemed a "vendor" and any "subcontractors" shall be deemed "subvendors."

Minimum Qualifications	Yes	No
Bidding organization <u>Prime Contractor</u> must be a legal entity licensed to do business in California and be in good standing with the licensing authority.		
Bidding organization <u>Prime Contractor</u> must have 10 years of <u>combined</u> experience providing consultative, accounting, auditing and organizational development advisory services to public or private sector clients.		
Bidding organization <u>Prime Contractor</u> must have annual revenues or funding <u>gross receipts</u> of over \$20,000,000 for each of the three years ending prior to the date of this solicitation.		
Bidding organization's <u>Prime Contractor's</u> lead consultant must have at least 6 years <u>combined</u> experience providing consulting, accounting, auditing or organizational development advice to public or private sector clients.		
Bidding organization-Team (Prime Contractor and/or Subvendors) must have experience within the past 12 months with federal American Recovery and Reinvestment Act (ARRA) funds including federal pass down provisions and other OMB and Department of Labor requirements.		

III. Evaluation Process and Criteria, Continued

Minimum Qualifications Continued	Yes	No
Bidding Team (Prime Contractor and/or Subvendors)organization must have 10 years of experience with and knowledge of state and federal government auditing principles and practices.		
Certification in Project Management Institute (PMI) with proven Project Management Book of Knowledge (PMBOK) capabilities for project oversight, and to identify and recommend corrective action for milestones, issues and risks. A primary or lead/manager member of the proposed team must be PMI certified.		
Bidding organization Prime Contractor has 5 years of experience with and knowledge of accountability and fraud detection techniques		
Bidding organization Prime Contractor has a minimum of five 5 years of experience in developing audit programs and plans for review of federally funded programs.		

Desirable Qualifications	Yes	No
Proposing organization Prime Contractor has working knowledge of California state and/or federal energy policy. Please describe in 500 words or less.		
Bidding Team (Prime Contractor and/or Subvendors)organization has 5 years of experience in planning, managing and executing change management, organizational design and process optimization projects which include the introduction of enabling technologies into existing or modified business processes.		
Bidding Team (Prime Contractor and/or Subvendors)organization has 5 years of experience with federal grants management policies, procedures and requirements.		
Bidding Team (Prime Contractor and/or Subvendors)organization has five years of experience providing financial risk analysis associated with providing or loaning public money to public and private entities.		

III. Evaluation Process and Criteria, Continued

TECHNICAL EVALUATION CRITERIA

Criteria	Weight	Total Possible Score
<u>Relevant Experience and Qualifications:</u> The extent to which : <ul style="list-style-type: none"> • The key personnel's education and experience are relevant to the requirements of the scope of work and the minimum qualifications. • The project staffs' capabilities are appropriate. • The Bidding team is familiar with ARRA, the requirements of OMB circulars and federal auditing requirements and experienced in conducting similar work. • The performance of the Bidding team members on past similar projects. • The client references demonstrated past satisfactory performance. 	15	150
<u>Comprehensiveness of Approach and Management Plan:</u> The extent to which: <ul style="list-style-type: none"> • The Bidder demonstrates the ability to complete all aspects of the project. • The key personnel have a track record of administering a contract to control costs, maintain schedules, provide quality control of the deliverables produced by the team, and communicating effectively. • There are clear roles and responsibilities among the Bidding team members. • The Bidder demonstrates the ability to institute appropriate data collection and field monitoring procedures. • The Bidder demonstrates appropriate management and coordination strategies. • The Bidder demonstrates sufficient resources being devoted to the project and each individual task. • The project organization, including the staffing plan and schedule, clear and well defined. • The staffing plan is sufficient to provide timely deliverables. 	15	150
<u>Responsiveness to the Program Components and Requirements of the RFP:</u> The extent to which: <ul style="list-style-type: none"> • The Bidder presents a sound approach for accomplishing the objectives of the proposal • The Bidder provides a sound rationale or justification for the proposed approach(es). • The Bidder demonstrates a clear understanding of the project goals and objectives. • The Bidder has built in the flexibility to accommodate potentially short notification times and tight deadlines. • The Bidder demonstrates a thorough understanding of the programs to be evaluated. • The Bidder provides clear evidence that the Bidder possesses the ability to evaluate these programs. • The Statement of Work for each task is thorough, specific, and consistent with the State's objectives. 	30	300

III. Evaluation Process and Criteria, Continued

Criteria	Weight	Total Possible Score
<u>Other:</u> The extent to which: <ul style="list-style-type: none"> The proposal is well-organized, well-written, and complete. The proposal offers economic benefits to California 	5	50
<u>Desirable Qualifications:</u> The extent to which: <ul style="list-style-type: none"> The Bidding team meets desirable qualifications. 	5	50
<u>Total Technical Score</u>	70	700
<u>Cost:</u> The extent to which: <ul style="list-style-type: none"> Hourly rates, overhead rates, and total hours are reasonable and appropriate for completing each task. Program Budget information is consistent with the Scope of Work. Budgets include the required information for personal services, subcontractors, operating expenses, fees, and total expenditures. Budget shows that key personnel and subcontractors will be committed to the project for the appropriate number of hours and functions to accomplish the activities described in the Scope of Work. 	15	150
<u>Direct vs Indirect Costs:</u> All proposals must include Attachment 18 which summarizes Direct Costs and Indirect Costs. Bidders receive points for this criteria based on the percentage of Total Prime and Sub Direct Costs as compared to Total Budget. ($\% \text{Total Prime and Sub Direct Costs of Total Budget} \times 10 = \text{score}$)	15	150
<u>Total Cost Score</u>	30	300
<u>Total Technical Score (From Above)</u>	70	700
<u>Total Technical and Cost Evaluation Score</u>	100	1000
<u>Small / Micro Business Preference</u>		50
<u>Non-Small Business Preference</u>		50
<u>TACPA, EZA, or LAMBRA</u>		150
<u>DVBE Incentive</u>		20
<u>Total Score</u>	400	40001270

PREFERENCE POINTS

A Bidder may qualify for non-technical preference points such as Small/Micro Small Business, Non-Small Business, and Disabled Veteran Business Enterprises (DVBE). Each qualifying Bidder passing the minimum technical evaluation will receive the applicable preference points.

Small / Micro Business

Bidders who qualify as a State of California certified small business or who self-certify under the Federal Government statutes as a small business will receive five percent (5%) preference points based on the highest responsible bidder's total score, if the highest scored proposal is submitted by a business other than a certified small business. Bidders qualifying for this preference must submit their Small Business Certification.

III. Evaluation Process and Criteria, Continued

Non-Small Business

Government Code Section 14838(b)(2) also provides for a non-small business preference.

The preference to a non-small business bidder that commits to small business or micro-business subcontractor participation of twenty-five percent (25%) of its net bid price shall be up to a maximum of five percent (5%) of the highest responsive, responsible bidder's total score (RFP secondary). A non-small business, which qualifies for this preference, may not take an award away from a certified small business. The small business regulations are located at 2 CCR 1896 et seq. Bidders qualifying for this preference must document the small business status of all subcontractors on Attachment 3.4 and submit all applicable Small Business Certifications.

Target Area Contract Preference Request

The Target Area Contract Preference Act (Government Code Section 4530 et seq.) provides five percent (5%) preference points to California-based companies that perform state contract work in a distressed area. Bidders should complete RFP Attachment 7 if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Enterprise Zone Request

The Enterprise Zone Act (Government Code Section 7070, et seq.) provides preference points as an incentive for business and job development in distressed and declining areas of the State. Bidders should review RFP Attachment 8 to determine if they qualify for this incentive. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Local Agency Military Base Recovery Act

The Local Agency Military Base Recovery Act (LAMBRA, Government Code Section 7118, et seq.) provides five percent (5%) preference points to California-based companies that perform State contract work in the LAMBRA. Bidders should review RFP Attachment 9 to determine if they qualify for this preference. If you have further questions or need additional information on this matter, please contact TACPA/LAMBRA Preference Program Group at (916) 375-4609.

Disabled Veteran Business Enterprise

Military & Veterans Code Section 999.5(2) and Department of General Services' Regulations 2 CCR 1896.98 et seq.

To qualify for DVBE Participation Preference, a bidder must commit to DVBE subcontractor participation of three percent (3%) or more of its net bid price. Preference points are increased for five percent (5%) or more participation. For more information see Attachment 3.1 and 3.2. (Must declare this as applicable on Attachments 3.3 and 3.4)

IV. Proposal Format, Required Documents, and Delivery

ABOUT THIS SECTION

This section contains the format requirements and instructions how to submit a proposal. The format is prescribed to assist the Bidder in meeting State bidding requirements and to enable the Commission to evaluate each proposal uniformly and fairly. Bidders must follow all Proposal format instructions, answer all questions, and supply all requested data.

REQUIRED FORMAT FOR A PROPOSAL

All proposals submitted under this RFP must be typed or printed using a standard 11-point font, singled-spaced and a blank line between paragraphs. Pages must be numbered and sections titled and printed back-to-back. Spiral or comb binding is preferred. Binders are discouraged.

NUMBER OF COPIES

Bidders must submit the original and 4 copies of Volume 1 and Volume 2.

Bidders must also submit electronic files of the proposal on [CD-ROM diskette](#) (only one is necessary) along with the paper submittal. Electronic files must be in Microsoft Word XP (.doc format) and Excel Office Suite formats. Electronic files submitted via e-mail will not be accepted.

PACKAGING AND LABELING

The original and copies of each volume must be labeled "Request for Proposal 150-09-101" and include the title of the proposal and the appropriate volume number:

Volume 1 –Administrative Section

Volume 2 – Section 1, Technical Sections

Volume 2 – Section 2, Cost Proposal

Include the following label information and deliver your proposal, in a sealed package:

Person's Name, Phone #
Bidder's Name
Street Address
City, State, Zip Code
FAX #

RFP 150-09-101
Contracts Office, MS-18
California Energy Commission
1516 Ninth Street, 1st Floor
Sacramento, California 95814

PREFERRED METHOD FOR DELIVERY

A Bidder may deliver a proposal by:

- U. S. Mail
- Personally
- Courier service

Proposals must be delivered to the Commission Contracts Office during normal business hours and prior to the date and time specified in this RFP. In accordance with Public Contract Code 10344, proposals received after the specified date and time are considered late and will not be accepted.

There are no exceptions to this law. Postmark dates of mailing, E-mail and facsimile (FAX) transmissions are not acceptable in whole or in part, under any circumstances.

IV. Proposal Format, Required Documents, and Delivery, Continued

ORGANIZE YOUR PROPOSAL AS FOLLOWS:

VOLUME 1, Administrative Response

Cover Letter

Table of Contents

Contractor Status Form

Attachment 1

Darfur Contracting Act Form

Attachment 2

Small Business Certification(s) of Prime and Subcontractors

If applicable

Completed Disabled Veteran Business Enterprise form

Attachment 3.3

Bidder Declaration form GSPD-05-105

Attachment 3.4

Contractor Certification Clauses

Attachment 4

[TACPA Std 830](#)

[If applicable, Attachment 7](#)

[EZA Std 831](#)

[If applicable, Attachment 8](#)

[LAMBRA Std 832](#)

[If applicable, Attachment 9](#)

[NEPA Compliance Certification Form](#)

[Attachment 11](#)

[Financial Management Information Form](#)

[Attachment 15](#)

[CEQA Form](#)

[Attachment 16](#)

[NEPA Questionnaire](#)

[Attachment 20](#)

VOLUME 2, Section 1, Technical Response

[Executive Summary](#)

[Attachment 10](#)

Approach to Tasks in Scope of Work

See A. Below

Team Organizational Structure

See B. Below

Project Team Experience and Qualifications

See C. Below

Client References

See D.~~E.~~ Below and Attachment 5

A. Approach to tasks in Scope of work

Describe the Bidder's approach to providing services listed in the Scope of Work, highlighting any outstanding features, qualifications and experience.

B. Team Organizational Structure

1. Document meeting each and every minimum qualification.
2. Describe the organizational structure of the Bidder, including providing an organizational chart of the entire contract team.
3. Identify the location of the Bidder's and Subcontractor's headquarters and satellite office(s) and proposed methods of minimizing costs to the State.
4. Provide a short description of each firm and key members on the team. Describe the relationship between the Contractor and subcontractors on your team. Indicate any history of a working relationship between the team members noting any significant success stories
5. Describe professional awards.
6. Describe the organization, composition, and functions to be performed by staff members of the Bidder and any subcontractors and how the staff pertains to this contract.
7. Identify a primary contact person. This person should attend the oral interview session. At least one person from each technical area should also attend the interview.
8. Describe any technical capabilities that would facilitate communicating with the Energy Commission (e.g., internet capability and electronic reports).

IV. Proposal Format, Required Documents, and Delivery, Continued

C. Project Team Relevant Experience and Qualifications

1. Document the project team's qualifications as they apply to performing the tasks described in the Scope of Work. Describe the nature and scope of recently completed work as it relates to the Scope of Work.
2. Identify and list all Bidder staff and subcontractors (all team members) who will be committed to the tasks and describe their roles.
3. Describe job classification, relevant experience, education, academic degrees and professional licenses of these technical staff team members.
4. Provide a current resume for all team members listed.
5. Identify the percentage of time each team member will be available throughout the contract.
6. Describe their familiarity with the administration, management, and technical expertise in performing pertinent tasks identified in the Scope of Work.

D. Client References

Each bidder shall complete a Customer Reference Form. Three customer references are required for the Contractor.

VOLUME 2, Section 2, Cost Bid

Schedule	Attachment 18, Att A-1
Budget Summary	Attachment 18, Att B-1
Personnel Hours	Attachment 18, Att B-2
Contractor Fee Calculation	Attachment 18, Att B-1
Contractor Unloaded Rates	Attachment 18, Att B-1
Travel, Equipment, Materials, and Misc. List	Attachment 18, Att B-1

Budget and Schedule

The Contractor must submit information on all the attached budget forms, Attachment 18, and will be deemed the equivalent of a formal bid submission under the Public Contract Code. Using the budget forms, provide a budget and schedule for each task and subtask included in the proposed Scope of Work. The Bidder shall provide all budget detail for the requested funding level. Demonstrate that the budget information is consistent with the proposed scope of work and itemizes reasonable costs for personnel, subcontractors, materials, operating expenses, fees, etc., for each subtask. Provide sufficient budget information to allow the Energy Commission to evaluate that there is an appropriate ratio of direct versus indirect costs considering Indirect Overhead, General and Administrative and Profit percentage rates. Justify the expenditures by subtask by itemizing the budget in sufficient detail. The budget should be delineated by personal services, subcontractors, operating expenses, fees, and total expenditures. Demonstrate that the key personnel and subcontractors will be committed to the proposed program for the appropriate number of hours and functions to accomplish the activities described in the scope of work. See Attachment 18 and the instructions for completion of the Budget forms. Bidders shall allocate \$5 Million as follows: Task 1: \$750,000; Task 2: \$3,000,000; Task 3 \$750,000; and Task 4: \$500,000.

NOTE: The information provided in these forms will not be kept confidential.

The salaries, rates, and other costs entered on these forms become a part of the final contract. The entire term of the contract and projected rate increases must be considered when preparing the budget. The rates bid are considered capped and shall not change during the term of the contract. The Contractor shall only be reimbursed for their actual rates up to these rate caps.

V. Administration

RFP DEFINED

The competitive method used for this procurement of services is a Request for Proposal (RFP). A Proposal submitted in response to this RFP will be scored and ranked based on the Evaluation Criteria. Every Proposal must establish in writing the Bidder's ability to perform the RFP tasks.

IMPORTANT ADMINISTRATIVE DETAILS

Cost of Developing Proposal

The Bidder is responsible for the cost of developing a proposal, and this cost cannot be charged to the State.

Equipment Purchases

We recommend that you use your own funds as well as other sources of funds which would be considered leverage funds to procure and/or build equipment. If State funds are used to purchase or build equipment, the State retains ownership interest in the equipment. (See Key Words and Definitions.)

Pursuant to Title 10 Code of Federal Regulations (C.F.R.) Section 420.18(b), no more than 20 percent of each award may be used to purchase "office supplies, library materials, or other equipment" whose purchase is not otherwise prohibited. For the purposes of 10 C.F.R. Section 420.18(b), "equipment" is defined pursuant to 10 C.F.R. Part 600 as an "article of non-expendable, tangible personal property that has a useful life of more than one year and an acquisition cost of \$5,000." Retrofit measures and equipment that is used in the installation of retrofit measures are not considered equipment subject to 10 C.F.R. Section 420.18(b).

Confidential Submittals Will Not Be Accepted

The Energy Commission will not accept or retain any proposals that are marked confidential in their entirety or seek to have any part of the proposal treated as confidential.

Treatment of Proposals

All proposals submitted will become public records and available for inspection after the Energy Commission completes the evaluation and/or scoring process and the Notice of Proposed Awards is posted or the RFP is cancelled. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples

DARFUR CONTRACTING ACT OF 2008

Effective January 1, 2009, all Requests for Proposals (RFP) must address the requirements of the Darfur Contracting Act of 2008 (Act). (Public Contract Code sections 10475, *et seq.*; Stats. 2008, Ch. 272). The Act was passed by the California Legislature and signed into law by the Governor to preclude State agencies generally from contracting with "scrutinized" companies that do business in the African nation of Sudan (of which the Darfur region is a part), for the reasons described in Public Contract Code section 10475.

A scrutinized company is a company doing business in Sudan as defined in Public Contract Code section 10476. Scrutinized companies are ineligible to, and cannot, bid on or submit a proposal for a contract with a State agency for goods or services. (Public Contract Code section 10477(a)).

Therefore, Public Contract Code section 10478 (a) requires a company that currently has (or within the previous three years has had) business activities or other operations outside of the United States to certify that it is not a "scrutinized" company when it submits a bid or proposal to a State agency. (See # 1 on Attachment 2).

V. Administration, Continued

A scrutinized company may still, however, submit a bid or proposal for a contract with a State agency for goods or services if the company first obtains permission from the Department of General Services (DGS) according to the criteria set forth in Public Contract Code section 10477(b). (See # 2 on Attachment 2).

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Some of the Programs selected for funding may meet the definition of a “project” for purposes of CEQA (see Public Resources Code section 21000 et seq.) If this occurs, the Energy Commission’s Legal Staff will review the Program to determine whether an exemption applies that would prevent further actions under CEQA. If no exemption applies, certain CEQA requirements (e.g., preparation of a negative declaration or environmental impact report) will have to be met prior to the Energy Commission approving the agreement. The Bidder will have to pay the cost for these activities. (Please refer to Title 20, California Code of Regulations, Chapter 6, Article 1, including section 2308.)

DISABLED VETERAN BUSINESS ENTERPRISES (DVBE) COMPLIANCE REQUIREMENTS-

The Disabled Veteran Business Enterprise (DVBE) Program has two inter-related aspects:

Participation Goals: The mandatory DVBE Participation Program of achieving participation goals by attaining the minimum 3% goal.

And,

Incentive: The DVBE Incentive Program gives a contractor an opportunity to improve their bid status based on the efforts attained from the DVBE Participation Program.

This RFP is subject to a participation goal of three percent (3%) certified California Disabled Veteran Business Enterprise (DVBE) as set forth in Public Contract Code Section 10115 et seq.

More information regarding DVBE and Small Business is located in Attachment 3.1 and 3.2.

RFP CANCELLATION AND AMENDMENTS

If it is in the State’s best interest, the Energy Commission reserves the right to do any of the following:

- Cancel this RFP;
- Amend this RFP as needed; or
- Reject any or all Proposals received in response to this RFP; or
- Make no awards.

If the RFP is amended, the Energy Commission will send an addendum to all parties who requested the RFP and will also post it on the Energy Commission’s Web Site www.energy.ca.gov/contracts and Department of General Services’ Web Site www.cscr.dgs.ca.gov/cscr.

ERRORS

If a Bidder discovers any ambiguity, conflict, discrepancy, omission, or other error in the RFP, the Bidder shall immediately notify the Commission of such error in writing and request modification or clarification of the document. Modifications or clarifications will be given by written notice of all parties who requested the RFP, without divulging the source of the request for clarification. The Commission shall not be responsible for failure to correct errors.

MODIFYING OR WITHDRAWAL OF PROPOSAL

A Bidder may, by letter to the Contact Person at the Energy Commission, withdraw or modify a submitted Proposal before the deadline to submit proposals. Proposals cannot be changed after that date and time. A Proposal cannot be “timed” to expire on a specific date. For example, a statement such as the following is non-responsive to the RFP: “This proposal and the cost estimate are valid for 60 days.”

V. Administration, Continued

IMMATERIAL DEFECT

The Energy Commission may waive any immaterial defect or deviation contained in a Bidder's proposal. The Energy Commission's waiver shall in no way modify the proposal or excuse the successful Bidder from full compliance.

DISPOSITION OF BIDDER'S DOCUMENTS

On the Notice of Proposed Award posting date all proposals and related material submitted in response to this RFP become a part of the property of the State and public record. Bidders who want any work examples they submitted with their proposals returned to them shall make this request and provide either sufficient postage, or a Courier Charge Code to fund the cost of returning the examples.

BIDDERS' ADMONISHMENT

Prior to submitting a Proposal, Bidders must take the responsibility to:

- Carefully read the entire RFP.
- Ask appropriate questions in a timely manner.
- Submit all required responses in a complete manner by the required date and time.
- Make sure that all procedures and requirements of the RFP are followed and appropriately addressed.
- Carefully reread the entire RFP before submitting a Proposal.
- Read all sample agreement terms and conditions and ask questions by the deadline established for the solicitation.

GROUND TO REJECT A PROPOSAL

A Proposal shall be rejected if:

- It is received after the exact time and date set for receipt of Proposal's pursuant to Public Contract Code, Section 10344.
- It is considered non-responsive to the California Disabled Veteran Business Enterprise participation requirements.
- It is lacking a properly executed Certification Clauses.
- It is lacking a properly executed Darfur Contracting Act.
- It contains false or intentionally misleading statements or references which do not support an attribute or condition contended by the Bidder.
- The Proposal is intended to erroneously and fallaciously mislead the State in its evaluation of the Proposal and the attribute, condition, or capability is a requirement of this RFP.
- There is a conflict of interest as contained in Public Contract Code Sections 10410-10412 and/or 10365.5.
- Non-compliance with the Single Audit Act and OMB Circular A-133 (if applicable).
- It contains confidential information, or includes any material marked as confidential.
- Bidder does not meet minimum qualifications.

A Proposal may be rejected if:

- It is not prepared in the mandatory format described.
- It is unsigned.
- It does not literally comply or contains caveats that conflict with the RFP and the variation or deviation is not material, or it is otherwise non-responsive.

V. Administration, Continued

PROTEST PROCEDURES

A Bidder may file a protest against the proposed awarding of a contract. Once a protest has been filed, contracts will not be awarded until either the protest is withdrawn, or the Commission cancels the RFP, or the Department of General Services decides the matter.

Please note the following:

- Protests are limited to the grounds contained in the California Public Contract Code Section 10345.
- During the five working days that the Notice of Proposed Award (NOPA) is posted, protests must be filed with the DGS Legal Office and the Commission Contracts Office.
- Within five days after filing the protest, the protesting Bidder must file with the DGS and the Commission Contracts Office a full and complete written statement specifying the grounds for the protest.
- If the protest is not withdrawn or the solicitation is not canceled, DGS will decide the matter. There may be a formal hearing conducted by a DGS hearing officer or there may be briefs prepared by the Bidder and the Commission for the DGS hearing officer consideration.

AGREEMENT REQUIREMENTS

The content of this RFP shall be incorporated by reference into the final contract. See the sample Agreement terms and conditions included in this RFP.

No Contract Until Signed & Approved

No agreement between the Energy Commission and the successful Bidder is in effect until the agreement is signed by the Contractor, approved at a Energy Commission Business Meeting, and approved by the Department of General Services, Legal Office, if required. In addition, the Energy Commission may not approve an agreement with a successful Bidder until the Bidder has demonstrated compliance with the requirements of the NEPA, CEQA, and, to the extent applicable, the Single Audit Act.

Contract Amendment

The contract executed as a result of this RFP will be able to be amended by mutual consent of the Commission and the Contractor. The contract may require amendment as a result of project review, changes and additions, changes in project scope, or availability of funding.

Conditions or Limits on Awards

The Energy Commission reserves the right to condition, modify or otherwise limit any and all ARRA funding awards made pursuant to this RFP.

Audit

The Bureau of State Audits may audit an Agreement awarded under this RFP up to a period of three years after the final payment or termination of the Agreement.

Subcontractors

The Bidder must submit the information required in the Program Team Qualifications and Experience section of the proposal for all Subcontractors including DVBE subcontractors as well as the budget forms.

The Contractor is responsible for the quality of all subcontractor work, and may only replace Subcontractors as specified under the Agreement Terms and Conditions.

INTERPRETATION

Nothing in this RFP shall be construed to abridge the powers or authority of the Energy Commission or any Energy Commission-designated Committee as specified in Division 15 of the Public Resources Code, commencing with Section 25000, or Division 2 of Title 20 of the California Code of Regulations, commencing with Section 1001.

V. Administration, Continued

AGREEMENT AWARD

After Stage Two scoring the Notice of Proposed Awards (NOPA) will be posted for five (5) working days at the Energy Commission's headquarters in Sacramento, and on the Energy Commission's and the DGS' web site. In addition, each Bidder under this solicitation will be mailed a copy of the NOPA for this solicitation. Upon completion of the five (5)-day notice period, the Energy Commission will work with the successful Bidder to verify compliance with the requirements of the NEPA, CEQA, and, to the extent applicable, the Single Audit Act, and prepare an award package.

The Energy Commission will not consider any substantive changes to the Agreement "terms and conditions" contained in this RFP. If, for any reason, a successful Bidder does not sign the Agreement documents within the time allotted, the Energy Commission may eliminate that Proposal from its award list and select the next highest ranked Proposal for funding from the rank order of eligible proposals under the Solicitation.

The Energy Commission will consider approval of the Agreement at a publicly noticed Energy Commission Business Meeting.

UNSUCCESSFUL PROPOSALS

After the NOPA is posted, each unsuccessful Bidder may request a debriefing meeting with the Energy Commission Contract Office. The debriefing meeting is an opportunity for an unsuccessful Bidder to learn why their particular proposal was not successful and may provide insight to improving proposal preparation for future solicitations.

AWARD PAYMENTS AND INVOICING

Award payments shall be subject to the following conditions:

- Payments will be made on a reimbursement basis, after the recipient submits the appropriate invoice(s) to the Energy Commission. (If a bidder is receiving funds from other funding source(s), total funds requested from all sources shall not exceed the total cost of the project.
- Ten percent (10%) of the agreement amount will be withheld as retention until the final report is received from the bidder and the Energy Commission's Contract Manager determines the Project has been satisfactorily completed. Typically, the Energy Commission withholds 10% from each invoice throughout the program period, and then the bidder submits a retention invoice once all contract deliverables have been satisfactorily completed. If requested, the Energy Commission can pay up to 90% of the agreement amount before the end of the agreement instead of withholding retention from each invoice.
- All invoices must be submitted with a completed payment request form, as specified by the Energy Commission, and accompanied by all backup documentation. The backup documentation must include copies of paid invoices and receipts detailing the specific equipment purchased, the services produced, and personnel time records where appropriate.
- Prior to final payment, the Energy Commission reserves the right to verify that the amount of the agreement, when combined with all other sources of funding for the project, including any utility rebates or incentives, does not exceed 100% of the total project cost.
- Energy Commission staff must approve all invoices. Such approval is subject to the recipient's acceptable submittal of the required progress reports, other specified products, and the appropriateness of the invoiced expenses under the agreement.

VI. ARRA SPECIFIC IMPORTANT INFORMATION

This section provides information that is specific to this ARRA funded solicitation.

TRANSPARENCY AND REPORTING

The American Recovery and Reinvestment Act has made it clear that every taxpayer dollar spent on our economic recovery must be subject to unprecedented levels of transparency and accountability.¹ The federal government has set the following accountability and transparency objectives:

- Funds are awarded and distributed in a prompt, fair, and reasonable manner;
- The recipients and uses of all funds are transparent to the public, and the public benefits of these funds are reported clearly, accurately, and in a timely manner;
- Funds are used for authorized purposes and instances of fraud, waste, error, and abuse are mitigated;
- Projects funded under this Act avoid unnecessary delays and cost overruns; and
- Program goals are achieved, including specific program outcomes and improved results on broader economic indicators.

Recipients of funding appropriated by the Act shall comply with requirements of applicable Federal, State, and local laws, regulations, DOE policy and guidance², and instructions in Funding Opportunity Announcement (FOA) DE-FOA-0000052³. Recipients shall ensure that the requirements of applicable Federal, State and local laws, regulations, DOE policy and guidance, and instructions in FOA DE-FOA-0000052 are communicated to sub-recipients to the extent necessary to ensure the recipient's compliance with the requirements.

The federal government created the Recovery and Transparency Board to coordinate and conduct oversight of funds distributed under ARRA to prevent fraud, waste and abuse. California created the Office of the Inspector General to insure that stimulus dollars are spent wisely and well, including the deterrence, detection and disclosure of any fraud, waste and abuses.

DOE encourages a high degree of leveraging to extend the impact of the ARRA funds, but tracking and reporting must be separate to meet the reporting requirements of the Recovery Act and related guidance.

Details on reporting requirements can be found in the Office of Management and Budget reporting requirements listed in the Reference Documents section. For purposes of this RFP, the Contractor will be deemed a "vendor" pursuant to OMB Guidance M-09-21.

INFORMATION ON COMPLYING WITH SINGLE AUDIT ACT

If you are a public entity expecting to receive and use any federal funds, you must comply with the Single Audit Act and Office of Management and Budget (OMB) Circular A-133, *How to Comply with the Single Audit Act* (http://www.energy.ca.gov/recovery/documents/2009-08-17_OMB_A-133_The_Single_Audit_Act.pdf).

¹ Information regarding accountability and transparency can be found at <http://www.recovery.gov/?q=content/accountability-and-transparency> and http://www.inspectorgeneral.ca.gov/General_Information.html.

² <http://www.recovery.gov/sites/default/files/m09-15.pdf>

³ http://www.energy.ca.gov/recovery/documents/SEP_Recovery_Act_Guidance_DE-FOA-00000521.pdf

VI. ARRA Specific Information, Continued

PROGRAM EVALUATION, PROJECT MONITORING, AND VERIFICATION

Proper stewardship surrounding the administration, reporting, accounting and transparency of ARRA funds is essential in the Energy Commission's administration of the ARRA SEP. Federal and state agencies, the Energy Commission, or their respective agents will audit a sample of funding recipients to verify compliance with the ARRA reporting requirements, the solicitation document, and to measure and verify appropriate use and expenditure of ARRA funds. In addition, the Energy Commission will monitor the progress of contract agreements and evaluate the effectiveness of particular projects.

ENFORCEMENT ACTION

1. Recovery of Overpayment

The ARRA Committee, with the concurrence of the Energy Commission, may direct the Energy Commission's Office of Chief Counsel to commence formal legal action against any recipient or former recipient to recover any portion of a funding award the Committee determines the recipient or former recipient was not otherwise entitled to receive.

2. Fraud and Misrepresentation

The Energy Commission or the ARRA Committee may initiate an investigation of any recipient which it has reason to believe may have misstated, falsified, or misrepresented information in applying for a funding award, invoicing for a funding award payment, or in reporting any information. Based on the results of the investigation, the Energy Commission or ARRA Committee may take any action it deems appropriate, including, but not limited to, cancellation of the funding award, recovery of any overpayment, and recommending the initiation of an Attorney General Investigation and prosecution pursuant to Government Code sections 12650, et seq., or other provisions of law. The State of California, through the Attorney General's Office or other state agency, may independently investigate any recipient and bring actions for fraud, misrepresentation, or misuse of SEP funds as appropriate.

3. Federal Action

The Federal government, through various departments, including, but not limited to, DOE and the U.S. Department of Justice, may independently investigate any recipient and bring actions for fraud, misrepresentation, or misuse of SEP funds as appropriate.

USE AND DISCLOSURE OF INFORMATION AND REPORTS

The Energy Commission, other state agencies, the federal government, or their respective authorized agents may use any information or records submitted to the Energy Commission or obtained as part of any audit to determine eligibility and compliance with , applicable law, or a particular contract agreement, to evaluate the pertinent program or program elements, and to prepare necessary reports as required by law. The information and records include, but are not limited to, applications for funding, invoices for award payments, and any documentation submitted in support of said applications or invoices.

Information and records submitted will be disclosed to other governmental entities and policing authorities for civil and criminal investigation and enforcement purposes. This information and records may also be disclosed to the public pursuant to the California Public Records Act (Government Code Section 6250, et seq.). Personal information, such as taxpayer identification or social security numbers, will not be disclosed to the public.

VI. ARRA Specific Information, Continued

Bidders should note that ARRA funds are subject to information disclosure requirements through the federal Office of Management and Budget as well as other federal agencies to ensure transparency. Information concerning the identity of recipients and the amount of payment of awards is public information, and will be disclosed as part of the ARRA transparency requirements and in accordance with the California Public Records Act. This information, along with other public information describing the funding recipients, may be disclosed to members of the public to educate them and encourage further program participation. The information may be disclosed through the Energy Commissions website, another state agency's website, a federal government website, or through other means.

If, as part of any audit, the Energy Commission requires a recipient to provide copies of records that the recipient believes contain proprietary information entitled to protection under the California Public Records Act or other law, the recipient may request that such records be designated confidential pursuant to the Energy Commission's regulations for confidential designation, Title 20, California Code of Regulations, Section 2505.

PAYMENT OF PREVAILING WAGES

Section 1606 of ARRA broadly applies the Davis-Bacon Act labor standards requirements to ARRA-funded construction projects by specifying that:

Notwithstanding any other provision of law and in a manner consistent with other provisions in this Act, all laborers and mechanics employed by contractors and subcontractors on projects funded directly by or assisted in whole or in part by and through the Federal Government pursuant to this Act shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code [Davis-Bacon Act].

Attachment 12 provides helpful information on the Davis-Bacon Act and the type of program work which may not be subject to the payment of prevailing wage under federal law. Attachment 13 provides helpful information on the state law prevailing wage requirements.